APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,480	01/26/2005	Jari Vallstrom	KOLS.172US	3828

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EXAMINER
PATEL, NIMESH

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
02/13/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Advisory Action **Before the Filing of an Appeal Brief**	10/522,480	VALLSTROM ET AL.
	Examiner	Art Unit	
	NIMESH PATEL	2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>30 January 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: _____.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Rafael Pérez-Gutiérrez/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because:

The applicant's argument,

"Chihara does not teach that the incoming connection request is not indicated in the mobile telephone device 11. Rather, in Chihara, the connection request is always indicated in the mobile telephone device", on page 8, lines 17 - 20.

The examiner response,

"Chihara discloses, the image is transmitted to or from the other party ONLY by the mobile telephone device 11A OR the wrist watch-type information apparatus 12 - column 12, lines 19 - 23, claims 3 - 5".

The applicant's argument,

"However, the actual incoming connection is established to th eheadset after the incoming connection request has been accepted in the wrist watch-type information apparatus 12 or in the mobile telephone device 11 and therefore not to the peripheral unit in which the incoming connection request has been accepted.Instead, Chihara teaches that the incoming connection is established to a different peripheral unit than that in which the incoming connected request has been accepted", on page 9, lines 5 - 10.

The examiner's response,

"Chihara discloses, with the arrival of an incoming call, the operating switches SW1 to SW4 of the operating switch unit 46 of the wrist watch-type information device apparatus 12 are operated to input an incoming call response instruction. Then, the wrist watch-type information apparatus 12 transfers the instruction to the mobile telephone device 11. The mobile telephone device 11 in response to this incoming call response instruction, perform the processing for response to incoming call. Here, the mobile telephone 11 performs the processing in response to the incoming call accepted by the wrist watch-type information device apparatus 12, like in the case of accepting the call, the mobile telephone device 11 connectes the incoming call to the wrist watch-type information device apparatus 12 - column 10, lines 26 - 40".

The applicant's argument,

"Bonta is directed to a local network of cellular devices, which does not correspond to the claimed peripheral devices", on page 9, lines 19 - 20.

The examiner's response,

"Bonta is introduced, for showing the claimed features of requesting connection request by unit other than the established connection, indicating transferring connection in the other unit and transferring the connection to the other unit. Bonta teaches, the incoming call answered by the master is transferred to the new master. The request to be the new master is received - s38, designating the new master - s40, transferring call functions to the new master - s42. The primary network will move the connection between the calling party and CD1 to a connection between the calling party and CD2. The incoming call is transferred to the new master CD2. The dedicated connection includes a Blue-tooth link for signaling and traffic connection between CD2 and any of the cellular devices CD1, CD3 and CD4 that choose to participate in the conversation - Fig. 2, paragraph 0017".

The applicant's argument,

"Bonta merely teahes that the call control functions are transferred not an established call, i.e., established incomming connection", on page 10, lines 12 - 13.

The examiner's response,

"Bonta teaches relay/transfer one or more call functions to answering slae/ new master - s42. Followed by the realease of CD1 from the conference that results in a call transfer to CD2. Alternatively, a call transfer can be accomplished with the use of Signalling System # 7 as defined by the CCITT Q 700 series specifications for call transfer between CD1 and CD2 in either case, the end result is the same. The primary network will move the connection between the calling party and CD1 to a connection between the calling party and CD2 - paragraph 0017".

The applicant's argument,

"Bonta's Blue-tooth link is only an extra connection between the cellular device receiving the cellular connection and other cellular devices that wish to participate in the conversation, whereas, in the present application the Bluetooth link is always there between the peripheral unit to which the incoming connection has been established and the cellular core unit since the peripheral unit cannot receive a cellular connection by itself", on page 10, lines 18 - 23.

The examiner's response,

"Bonta teaches, the coverage area of the ad hoc network 100 is dependent upon a communication protocol between the cellular devices CD1 - CD4 e.g. Bluetooth, 802.11 etc. For purposes of the faciliteting an understanding of the remaining description, Bluetooth will be assumed to provide the commmunication protocol between cellular devices CD1 - CD4 - Fig. 1, paragraph 0009. Bonta also suggests the number of ad hoc network configurations employing the invention is essentially limitless as will be appreciated by those having ordinary skill in the art. The invention may be embodied in other specific forms without departing from its spirit or essential characteristics - paragraphs 0020 - 0022".